



DIVISION OF
ENFORCEMENT

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
100 PEARL STREET, SUITE 20-100
NEW YORK, NY 10004-2616

May 5, 2023

Via ECF

Hon. Edgardo Ramos
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *SEC v. Kistler*, 22-cv-10657 (ER) (S.D.N.Y.)

Dear Judge Ramos:

Plaintiff Securities and Exchange Commission ("Commission") respectfully requests that the Court reschedule the initial case management and scheduling conference, which the Court scheduled two days ago for May 19, 2023, at 10:30 a.m. (ECF No. 13.) The undersigned counsel for the Commission, the lead Commission counsel in this action, has a previously scheduled hearing before Judge Cote in *SEC v. O'Brien*, 21-cv-9575 (DLC), at the same time.

The Commission is available for an initial conference in this action on May 24 through 26 or May 31 through June 2. The Commission attempted to confer with defense counsel about their availability. However, defense counsel indicated they are planning to file a motion to withdraw today and are not authorized to do anything further on this case.

This is the first request for an adjournment.

Respectfully submitted,

/s/ Paul G. Gizzi

Paul G. Gizzi
Senior Trial Counsel

cc (via ECF): All Counsel of Record

The initial conference is adjourned to May 31, 2023 at 11:30 a.m. The parties are reminded to call (877) 411-9748 and enter access code 3029857# when prompted.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Edgardo Ramos".

Edgardo Ramos, U.S.D.J.

Dated: 5/9/2023

New York, New York